

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VICTOR RUIZ,
Plaintiff,
v.
ELKO COUNTY DETENTION CENTER,
Defendant.

Case No.: 3:23-cv-00340-RCJ-CLB

ORDER

On July 10, 2023, pro se plaintiff Victor Ruiz, an inmate in the custody of the Elko County Detention Center, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a completed financial certificate¹ and an inmate trust fund account statement for the previous six-month period with the application.** The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by September 11, 2023.**

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a

¹ Plaintiff's financial certificate appears to be filled out by himself rather than by a prison or jail official. (See ECF No. 1 at 4).

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
2 **statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev.
3 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
4 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
5 See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff's application to proceed *in forma pauperis* is
7 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
8 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
9 fee or file a new fully complete application to proceed *in forma pauperis* with all three
10 required documents.

11 **II. CONCLUSION**

12 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
13 is denied without prejudice.

14 It is further ordered that Plaintiff has **until September 11, 2023**, to either pay the
15 full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis*
16 with all three required documents: (1) a completed application with the inmate's two
17 signatures on page 3, (2) a completed financial certificate that is signed both by the
18 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
19 statement for the previous six-month period.

20 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
21 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
22 to refile the case with the Court, under a new case number, when Plaintiff can file a
23 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 The Clerk of the Court is directed to send Plaintiff the approved form application to
2 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
3 complaint (ECF No. 1-1) but not file it at this time.

4 DATED THIS 13th day of July 2023.

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7 UNITED STATES MAGISTRATE JUDGE
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